



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

VIRGINIA IN 1683

(Abstracts by W. N. Sainsbury and Copies in the McDonald and DeJarnette Papers (Virginia State Library), from the British Public Record Office.

(Continued)

INSTRUCTIONS TO GOVERNOR LORD CULPEPER AND HIS ANSWERS.

3. This having all been most exactly done by me in 1680 I thought it Superfluous now, supposing this Instruction to be made for a new Governor, and not the Return of an old one.

4. And you are to communicate unto Our Council of Virg^a, from time to time such and soe many of our Instructions given unto you as you shall find convenient for Our Service to be imparted to them.

4. I have performed this from time to time as occasion offered, and may appeare in the Secretarys Register.

5. And Our further Will & Pleasure is that the members of y^e s^d Council shall and may have & enjoy freedom of debate & votes in all things debated of in Council.

5. They have always enjoyed it in all things with the greatest liberty Imaginable.

6. I never acted once with lesse then five, and then always these p'ts, We have thought fit to direct that any three of our Counsellors make a Quorum, It is nevertheless Our Will & Pleasure that you doe not act with a Quorum of less than five members unless upon extraord^y occasions.

7. I never acted once with lesse then five, and then always caused notice to be given to every one.

7. And in y^e choice of Members of y^e sd. Council in case of any vacancy or suspension, as also of the great Officers,

Judges, Assistants, Justices & Sheriffs You are always to take care that they bee men of estate & abilitys & not necessitous people or much in debt. [These words added in another hand] *Well affected*

7. I never yet suspended any our Officer but only Major Whiting¹, and that by the advice of the Counsel, for the reasons mentioned in the order for the same. Dated 16th Aprill last, herewith delivered, and I have most punctually observed the other parts, and that I might be the better enformed have never once made a Judge, or issued out a Commission for the peace but in full Councell, and For Sheriffes I caused three persons to be presented to me by the Councell, of whom I appointed one. I would have been much better, if the same had been so done by others.

8. And Our Will & Pleasure is that you doe neither Augment nor diminish y^e members of Our sd. Council as it is hereby established, nor suspend any of y^e present members thereof without good and sufficient cause. And in case of suspension of any of them, you are forthwith to transmit unto Us to y^e Lords of Our Privy Council appointed a Committee for Trade and Forreign Plantations the reasons for your soe doing together with the charges and proofs against the said persons and their answer thereunto.

8. I have neither augmented nor diminished the number nor suspended or had the least occasion to suspend any one now alive.

9. And you are to signify Our Pleasure unto Our said Council that if any of them shall hereafter absent themselves without leave from Our Gov^r for the time being first obtained, or remains absent for the space of two years or y^e greater part thereof without Our Leave given unto them under Our Royal Signiture their place or places in Our said Council shall immediately thereupon become void, and that Wee will forthwith take care that others be appointed in their stead.

9. I have communicated this and given leave to Major Gen^r

¹ Henry Whiting, of Gloucester County, appointed to the Council 1690, and Treasurer of Virginia, 1692-93. For a note on him and his descendants see this Magazine XVIII, 356-359.

Smyth and Col. Phillip Ludwell to come for England for a time.

10. And you are from time to send us & Our said Committee of Trade & Plantations y^e Names & qualities of any Members by you put into y^e said Council by first conveniency after yo^r soe doing.

10. By reason of the death of Col. Kempe Just before my arrivall and of Sir Henry Chichley in the beginning of last February and that Major Gen. Smyth and Col. Ludwell were to go for England, and that Mrs. John Custis hath been for above a yeare in a very languishing condition without stirring abroad, and often said to be (and I feare it) Dead, There remained in effect but Eight of the Councell on the place, soe that according ao the Intent of my last commission, uppon the unanimous representation of the Finesse of Col. John Lear², a person of Interest (having constantly for many yeares been in all Assemblies) Rich, Honest and in every respect duely Qualified, (the only Motif with me) Though little knowne to me I admitted him of the Councell under His Majesties good liking (after taking the usual oaths and subscribing the test) on the 23rd day of May last past, but comeing home soe soone after, Sent noe notice Intending to doe it in person.

I cannot on this occasion omitt to Recommend to his Ma^{ty} by your Lord^{ships} Col. Isaack Allerton³, as a person most fitt to be of His Councell there, He hath been all along Extremely well affected, was very Instrumentall in Inducing the Assembly to passe the Revenue Act in 1680, is a prudent Learned man, and an Excellent Speaker in the House of Burgesses where though not desiring it He missed being chosen Speaker last November but by one voyce and I verily beleieve will be Speaker of the next Assembly. He did assure me of his utmost Services in whatsoever the King should command Him

² John Lear, of Nansemond County, member of Council 1683-1695. For a note on him see this Magazine XVII, 228-231.

³ Isaac Allerton, of Westmoreland County, member of Council 1683-1688, when he declined to take the oaths. He was son of Isaac Allerton, the Mayflower Pilgrim. For a note on him and has family see this Magazine I, 199, 200, and also genealogy of his descendants in the *New England Hist.—Gen. Register*, July, 1891.

by His Governour particularly as to a Further Bill of Revenue for the Support of the Government and I did engage to move His Ma^{ty} that he should be of the Councell and should have all advantages thereof as from Midsummer last, though not to be declared till after the session of next assembly, where I am sure he can (and I beleieve will) be as Serviceable if not more than any other person whatsoever, Had he been present in the Assembly of Aprill 1682, matters had not been carryed soe.

11. And you are to observe in the passing of Laws That the Stile of Enacting the same By the Governour, Council and Assembly bee henceforth used and none other

11. On the unanimous Request of the Councell, that the House of Burgesses might not draw Advantages to its selfe in their late frivolous dispute with the Councill last session about priviledges, as if the Councell were noe part of the Assembly, I did think fit to enact the thirteen Lawes I then passed, by the Stile of Gouvernor, Councell and Burgesses of the General Assembly.

12. And Our express Will and Pleasure is that you transmit authentick copies under the Publick Seal of all Laws, Statutes, & Ordinances that are now made & in force to w^{ch} shall be made & enacted within the said Colony Unto Us & the Lords of Our Privy Council appointed a Committee for Trade & Foreign Plantations within three months or sooner after their being enacted, together with Duplicate thereof by the next conveyance Upon pain of Our highest Displeasure & of the forfeiture of that years salary wherein you shall at any time or upon any pretence whatsoever, omit to send over the said Laws & Ordinances as aforesaid within y^e time above limited, as alsoe of such other penalty as Wee shall please to inflict, in such manner as is likewise directed in reference to Our other Plantations.

12. I have observed this Instruction most Exactly, only by an accidental mistake I sent home the Duplicate of the Lawes (attested by the Clarke of the House of Burgesses) in stead of the originall under the Seale of the Conly, w^{ch} your Lord^{ships} will now receive.

13. And you are not to suffer any Publick money whatsoever to bee issued or disposed of otherwise than by a Warrant under y^r hand, But the Assembly may be nevertheless permitted from time to time to View & Examine y^e Acco^{ts} of mony or value of mony disposed of by vertue of such Laws as they shall make w^{ch} you are to signify unto them as occasion shall serve.

13. This hath been Exactly observed. And whensoever an Assembly Sits, I have ordered the Auditor to transmit the Copyes of all accounts to them.

14. And you shall observe, in the framing & passing of Laws, that no fines, forfeitures or penaltys be mentioned therein to bee applyed or become payable otherwise than to Us Our Heirs & Successors for y^e support of y^e Government or to the Informer, except in special cases.

14. This hath been exactly observed.

15. And it is Our Express Will & Pleasure that all Laws whatsoever for y^e good govern^t & support of Our said Colony of Virg^a bee made indefinite & without limitation of time except the same bee for a temporary end and which shall expire & have its full effect within a certain time.

15. This hath been exactly observed.

16. And therefore you shall not reinact any Law w^{ch} shall bee once enacted by you Except upon my urgent occasions, but in noe case more than once without Our Express consent.

16. I never have Re-enacted any law whatsoever.

17. You shall not remit any fines or forfeitures whatsoever above y^e summs of Ten pounds before or after Sentence given, nor dispose of any Escheats due to Us untill you shall have first signified unto Us y^e nature of y^e offence or occasion of such Fines & forfeitures with y^e particular summs or value thereof (w^{ch} you are to doe wth all speed unto Our high treasurer or Comissions ??? for ye time being) untill you shall have received Our directions therein. But you may, in y^e meantime, suspend y^e payment of y^e same.

17. I have never Granted but one pardon since my being Gouvernor for any Fines or forfeitures whatsoever, and that was to one John Herbert Factor to Mr. Buller for the Kings

part of Tobaccos forfeited by the Exportation of Deere Skins last December Contrary to an Act of Assembly made in June 1680, And though (if Tobacco be worth anything) that exceeded Ten pounds yet I thought fit to doe it, because I judged the Losse of the skins sufficient. But as for Escheats, they are not due to the King, but to the respective patentees, who have disposed thereof, and now continue soe to doe according to their grants under the Great Seals for the same.

18. And you are particularly not to pass any Law or doe any act by grant, settlement or otherwise whereby Our Revenue may be lessened or impaired without Our especial leave or commands therein.

18. I have neither passed Law or Done any one Act whatsoever tending thereunto, but on the contrary, have done all I possibly could to Improve the same, and I believe in some time you will be sensible thereof by the effect.

19. You are to require the Sec^{ry} of Our Colony or his Dep^{ty} for the time being to furnish you with all such Acts & Publick Orders as shall be made from time to time, together with a copie of the Journal of the Council to the end y^e same may bee transmitted unto Us as above directed, w^{ch} hee is duely to perform upon pain of incurring the forfeiture of his place.

19. I have ordered Mr. Secretary Spencer soe to doe, and I believe in this as in all other things He hath been most exact and punctuall.

(To be continued)